IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5289 OF 2005

Shri Balaji Roadlines ...Petitioner
vs.
National Insurance Co.Ltd ....Respondents

Mr. Amit B. Borkar with Rutaji Ambekar
for the petitioner.
M.D. Kulkarni for respondent no.1 and 2.

CORAM: S.U. KAMDAR, J.

DATE : 19th November, 2005.

P.C. :

1. By consent the following order is passed :

2. The impugned order dated 26.7.2005 is set aside and substituted by the following order :

3. Suit No. 368 of 1998 is restored and ex-parte decree dated 27.8.2004 is set aside.

The petitioner to pay cost quantified at Rs.30,000/- on or before 10.12.2005. On failure to pay the cost, the present writ petition to stand dismissed.

4. In an event if the cost is paid the said suit No. 368 of 1998 to be restored and to be heard alongwith Suit No. 369 of 1998. The hearing of both the suits are expedited. The Civil judge Senior Division, Pune is directed to hear and dispose off the suit expeditiously and in any event on or before 31.12.2005. Both the parties agree that the order of sine-die will not survive further and the hearing of the suit will be expeditiously taken up. Both the parties are directed to complete all formalities on or before 31.1.2006 so as to complete the hearing of the suit before 31.12.2005. Petition disposed off accordingly. No order as to costs.

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